



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMS  
Docket No: 5923-08  
27 March 2009



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 March 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 23 June 1983, you accepted an appointment as a commissioned officer in the Marine Corps after three prior periods of honorable service. You then served without incident until 18 October 1990, when you were convicted by a general court-martial of two instances of fraternization and making a false official statement. Your sentence included confinement, forfeitures of pay, and a dismissal. After the court-martial findings and sentence were approved at all levels of review, on 12 September 1993, you were dismissed.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your prior periods of honorable service and your explanation of your offenses. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your last period of service due to the seriousness of your misconduct as

a commissioned officer and the circumstances of your offenses for which you pled guilty. The Board also noted that you had a pre-trial agreement. Therefore, the Board concluded that the dismissal was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that as a result of your prior periods of honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director

Copy to:

The Honorable Richard Burr  
The Honorable Elizabeth Dole